

M/027/032



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
FILLMORE FIELD OFFICE
35 East 500 North
Fillmore, Utah 84631



In Reply Refer to:
3800
(U-010)
UTU-070557

May 11, 2004

CERTIFIED MAIL #7002 3150 0004 1699 4674
RETURN RECEIPT REQUESTED

DECISION

DEXTER ANDERSON
RED DOME INC.
5865 W 200 S
FILLMORE UT 84631

APPROVAL OF
PLAN OF OPERATIONS

Red Dome Inc.'s Plan of Operations to mine cinders at its quarry located in T. 21 S., R. 6 W., Sections 22, 23, 26 and 27 has been approved contingent upon the following conditions:

1. Red Dome must comply with the requirements set forth in the April 12, 2004 letter from the Utah Division of Oil, Gas and Mining (UDOGM) asking for information to complete the Large Mine Operation (LMO) application Red Dome has submitted to the agency.

2. Upon approval of the LMO, Red Dome must submit to UDOGM a reclamation bond in the amount UDOGM calculates. BLM will review UDOGM's reclamation cost estimate, and if BLM agrees the amount is adequate, the bond currently held by the BLM will be released to Red Dome upon submission of the replacement bond to UDOGM.

The approval is also subject to the following mitigations:

1. Topsoil will be stockpiled to the fullest extent possible. Salvaged topsoil will be spread over all disturbed areas where there are no rocky outcrops. If necessary, additional organic material will be brought in and added to the topsoil. A seed mix determined by the UDOGM will be drilled into the spread topsoil.

2. At the end of mine life, the operator will remove the seven power poles and line that are on public lands.

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DIV. OF OIL, GAS & MINING

If you do not agree with, and are adversely affected by, this decision, you have the right to request review by the Utah State Director (SD) of the BLM in accordance with 43 CFR 3809.800. If you exercise this right, your request, accompanied by a brief written statement explaining why we should change our decision and any documents that support your written statement, must be filed in writing within 30 days after you receive this decision. The envelope should be marked "State Director Review" and sent to the following address:

BUREAU OF LAND MANAGEMENT
UTAH STATE OFFICE
PO BOX 45155
SLC UT 84145-0155

You should include a telephone or fax number by which the SD can contact you. If the SD does not make a decision within 21 days on whether to accept your request for review, you should consider your request declined, and you may appeal this decision to the Office of Hearings and Appeals (OHA). You may also appeal to OHA if the SD's decision is adverse to you. You must file a notice of appeal to this office within 30 calendar days of the date you receive the SD's decision or decision not to review.

You may also bypass State Director review, and appeal directly to OHA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Fillmore Field Office within 30 days of receipt of this decision. You have the burden of showing that the decision appealed from is in error.

If you wish to file a petition to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals (Board), the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay **must** also be submitted to each party named in this decision and to the Board, and to the appropriate Office of the Solicitor (see 43 CFR 4.412) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

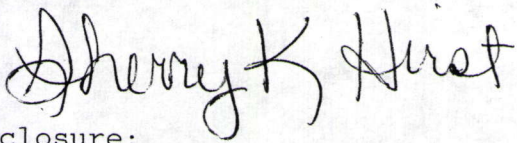
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,

- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As mandated in 43 CFR 3809.808 this decision will remain in full force and effect during review and appeal unless a written request for a stay is granted.



Enclosure:
Form 1842-1

cc: Tom Munson, UDOGM (M/027/032)